

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

PROMOTE INNOVATION LLC,)	
)	Case No. 1:11-cv-100
Plaintiff)	
)	
v.)	
)	
SAFER, INC.,)	<u>JURY TRIAL DEMANDED</u>
)	
Defendant.)	

STIPULATED DISMISSAL WITH PREJUDICE

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the terms of a separate Settlement and Release Agreement, the Relator, Promote Innovation LLC (“Relator”) and Defendant Safer, Inc. (“Defendant”), have agreed to settle, adjust, and compromise all claims and counterclaims against each other in the above-captioned action. The parties, therefore, stipulated to dismiss all claims by Relator against Defendant made therein with prejudice to the refiling the same.

Relator and Defendant further stipulate that all costs and expenses relating to this litigation (including attorney and expert fees and expenses) shall be borne solely by the party incurring the same.

A proposed Order accompanies this motion.

AGREED:

Respectfully submitted,

MORGAN LEWIS & BOCKIUS LLP

By: /s/ James L. Beebe (w/ permission)

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CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of April, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Larry D. Thompson, Jr.
Larry D. Thompson, Jr.